IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

TUESDAY THE SIXTEENTH DAY OF NOVEMBER TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE : T. CH. SURYA RAO

CRIMINAL PETITION No.5186 of 2004

Between:

1.P. Manoj Kumar
2.P.Vijayaratnam.

.. Petitioners/Accused 2 & 4

And

The State of A.P. rep. by its Public Prosecutor,
High Court of A.P.

.. Respondent/
Complainant

Petition under Section 482 of Crl.P.C. praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to enlarge the petitioners on bail in the event of his arrest in connection with the FIR No.178/2004, on the file of Police Moinabad, Ranga Reddy District, on such terms and conditions as this Hon'ble Court deems fit.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Mr.V.L. Surendra, Advocate for the Petitioners and of the Public Prosecutor, on behalf of the Respondent.

The Court made the following ORDER :

"Petitioners, who are A-2 and A-4 in the crime, seek anticipatory bail in connection with the crime that has been registered under Section 420 of the Indian Penal Code.

It is alleged that the petitioners and others having mortgaged the land with the State Bank of India, Osman Gunj Branch, Hyderabad, sold away the same to the defacto-complainant and thereby cheated the Bank. The Sale Deed in this case has been executed by A-1 and A-3. A-4 is the father of A-1 to A-3 and he is an aged person. In that view of the matter, the request of A-4 for anticipatory bail may be considered.

The first petitioner, who is A-2, signed the guarantee letter in favour of the State Bank of India along with his other two brothers, although, it is said that there has been a partition of properties between him and his brothers. Therefore, A-2 is responsible for the said act and his request for anticipatory bail cannot be considered at this stage. If he is so advised, he can surrender before the Judicial Magistrate of First Class, Chevella, Ranga Reddy District and seek bail, in which event, that court may consider his request by passing appropriate orders.

In the result, the second petitioner-A-4 shall be enlarged on bail in the event of his arrest on his executing a bond for Rs.5,000/- (Rupees five thousand only) with

two sureties for a like sum each to the satisfaction of the Station House Officer, Moinabad Police Station, Ranga Reddy District. On such release, he shall co-operate with the Investigating Officer in investigation and shall appear before the Station House Officer, Moinabad Police Station as and when required for the purpose of investigation in this case.

The petition, in so far as first petitioner-A-2 is concerned, with the above observation, is dismissed.

Accordingly, the Criminal Petition is allowed in part."

SD/- SHAIK JOHN BASHA
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To
1.The II Addl. District & Sessions Judge, at L.B. Nagar, R.R.District.
2.The Judicial First Class Magistrate at Chevela.
3.The Station House Officer, Moinabad Police Station, Ranga Reddy District.
4.Two CCs to the Public Prosecutor, High Court of A.P. Hyderabad.(OUT)
5.One spare copy.
6.One CC to V.L. Surendra, Advocate, High Court of A.P. Hdyerabad.(OPUC)

NB: This order is amended by modifying the Judl. Magistrate of 1st Class, Chevella, Ranga Reddy District in place of II Addl. District and Sessions Court as per orders of this Court dated 13.12.2004 in Crl.MP No.7124/2004 and substitute to the order dispatched on 16.11.2004.

SD/- SHAIK JOHN BASHA
ASSISTANT REGISTRAR

HIGH COURT

TCSRJ

DT: 16-11-2004

ORDER :

CRL.P.NO.5186/04

DIRECTION